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AN INDEPENDENT JOURNAL,

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PUBLISHED AND EDITED BY HENRY M. WHITNEY.

WEDNESDAY, FEBRUARY 7, 1877.

Supreme Court of the Hawnian Is-lands January Term, 1877. THE OWNERS OF THE WAIHEE PLAN.

TATION es, KALAPU. ALLEN, CH. J., HARRIS AND JUDD, J. J.

This is a statutory action to enforce a contract for nervice, brought up by appeal from the district court of Wailuku to the circuit court of the second judicial circuit; the jury waived, and the case transferred by consent, to the Supreme Court in

It appears from the papers and admissions filed that this contract was made on the 19th of January 1876, by which the Defendant agrees to work for the term of thirty-four months for the "Owners of the Wainer Plantation" then being Messrs. Charles . Harris and Hermann A. Widemann : that on C. Harris and Hermann A. Widemann: that on the Lish day of August a. D. 1876, Mr Harris sold his interest to Mr Widemann, who then became the owner of the cottre plantation. This was a dissolu-tion of the partnership. 1 Parsons Contract, page the 15th day of August A. D. 1876, Mr Harris sold his interest to Mr Widemann, who then became the Section 1424 of the Civil Code enacts "That till yer fields, or ye will pay for the tillin uv

where the servant is bound by any company of individuals, the death of any one pariner or the where the servant is bound by any company of them, or they will grow up to the junction, individuals, the death of any one partner or the change of partners in each company, shall not his self, and will cut the fruit uv his own laease such servant from the terms of This we take to mean that whatever changes may

the contract continues to be binding so long as one of the original members remains to the firm, to whom the inborer can lock for the payment of his wages, for directions as to his labor, and for humane treatment, all of which were the considerations, which induced him to enter into the contract, The term "The owners of the Waihee Planta-

tion " in this contract is no more than the title, by which this co-partnership was known; that is, it is the firm-name under which this enterprise was con-ducted. It cannot be elaimed that the Defendant by the form of his agreement, contracted to work for whomsoever might become the owners of the Waihee Piantation, for then there would be no individuals approached to the contract of the work for music uv the shotgun will no more be heard in all the land, and ther will be hangin for murder. scertained to whom the service was owing, or in case of a change of ownership, these individuals would be ascertained independently of the servant's

On the 20th of September 1876, Mr. Widemann sold the Waihee Sugar Plantation to James Makee and John D. Spreckies, but reserved a certain share in the proceeds of the plantation as stated in an indenture cotemporaneously executed. By this indenture the purchasers of the plantation agree that Mr. Walemann shall receive during the term of two years, three fourths of all the gross proceeds of the crops on the Wallsee Plantation, to consideration of a reduction made by a m in the agreed price of the plantation, and in the further consideration that Mr. Widemann employ and retain the laborers then employed on the plantation under labor contracts, and Mr. Widemann at the same time gave Mr. Makes a Power of Attorney to manage the labor in

Story defines a co-partnership to be "a voluntary contract between two or more competent persons to place their money, effects labor and skill, or some or all of them, in lawful commerce or business, with the understanding that there shall be a communion

of profits between them."
Lindley on co-partnership, section 12, says; "An agreement to share profits and losses, may be said to te the type of a partnership contract; "and again, "Although it has already been pointed out, that to share profits is prims facie an agreement for a co-partnership, yet it is conceived rightly that a partnership, is not the result of an agreement to share gross returns." I Lindley on Parinership 77.

Tosted by this definition Mr. Widemann is not a

partner, for he does not share in either the profits or the losses of the plantation, but in its gross proceeds. This indenture contains a condition that the percentage to be paid Mr. Widemann shall cease upon any sale of the plantation. This would militate against the idea that the payment of the percentage was upon any valid consideration except the stated i.e. the employment of the laborer Widemann under their contracts, and by itself, would be nothing more than the agreemen between Widemann on the one part and Makee and Spreckles on the other part, by which Widemann in consideration of this percentage was to retain and most employ the contracted inborers on the plantation of ver.

virtue of the Master and Servant Act, subject to provisions of which this contract was made. When Mr Harris left the partnership Mr. Wide-mann being the remaining partner had the right to el the service of the respondent by the 1424 section of the Civil Code which controls the whole matter. And if he has taken Mesers Makee and stun. Spryckles into partnership then the partnership thus

Spreads into partnership the compel the service:

formed would have a right to compel the service:

formed would have a right to compel the service:

The Next World's Fair.

The plans of M. Davioud for the palace on the a mere attempt to assign the contract, which in for which he sold thus averring a sale of the whole Estate. He has no voice in the management of the Estate or even in its sale, if Messrs Makee and Spreckles shall see fit to sell it. He is in no respect

owners with which this man contracted. Judgment for Defendant. ELISHA H. ALLEN. CHAS. C. HARRIS. A. FRANCIS JUDD.

Hox. A. S. Hanywara, for Plaintiffs, E. PERSTON, for Defendant Honolulu, January 80th 1877.

CONFEDRIT X BOADS, WHICH IS IN THE STATE UV KENTUCKY.

Is Tilden agoin to be counted out!

Is all the money that the Great Reformer spent in Noo York for repecters, and in South Kerliny for killin niggers, and in Looisianea for intimidashen, and in Florida for huggermuggin returns to be wastid? Is the labor uv the Editorial Burow, in sup plying editorials to rooral editors to go for narght, and is cur plans wick we hev bin two

years a matoorin goin to run to seed in this Three millyuns uv dollars hev bin spent wich her not bin a ded loss, for sich ez me got it mostly, and ez it went to the Dimocrisy it is

But, Great Heavens! Think what wood hev follered of that money and the killin uv them niggers hed accomplished its objeck? I am

Yisterday I appointed that the follurin be chantid in the meetin-house: A SAM UV WOR! We are busted! Floridy, Losseana, South Kerliny!

In vane Wade Hampton rode the State with his rifle clubs; in vane niggers wur killed, and in vane did we keep em away from the polls. We didn't keep quite enuff uv em away, for sum uv the cusses managed to vote, and ther otin wur our death. We bulldosed om iv, vane, for our bulldosing

didn't go far enuff.

The wind that blows from the South is bitter wind and chilly, and its sound to us is

Floridy wus our parsimmon, and we reached for it, but our pole wasn't long enuff. In vane we countid double—in vane we kept our returns; the Radikels scooped us.
And Loosianer, wo is us, will be returned for Hayes, which settles our hash.

We held out three aces, but Kellogg held four kings, yea and he cood hev played five if they hed bin needed, and he rakes the pot.

Uv wat avale is it to kill niggers, and keep em away from the poice of we are not allowed to count the parishes wherein we did it? v our reward therefor.

We killed a thousand niggers in the South

And es we git nothin by it, it is a grate waste of nigger.

Troo we hed the fun uv it, but we are not in

condishun to do things for fun.
We spent a million of shekels on Noo York,

Why didn't we scatter them votes in Wis-consin and Floridy, and smile at the enemies

The Irish votid vigorously, and the re peeters won faithful, but we put 'em in the Like meesles, reform repeeters need to be

We are bein turned out to grass, while our nuies is been stall-fed. The post-offices, the custom-houses, the colips, which we yearned after, are ez fur

com us or they were a year ago. We got near enoff to smell uv 'em, and the rapid trituration, varying from two to five smell thereof entages us.

The tiger tastes blood, but he wants his fill We hevn't got a faste, but the smell that we did git sets us crazy, and we gnash our teeth.

Mourn, Kentucky, for the niggers will still be free.

He won't be a slave, and, es he will hev courts, his labor will ye not smonge him out

The carpet-bagger will possess the land, and he will build factories, and shops, and schools and he will go to Congris and the And the South will become even as Massychoosits is, yea worse, for the soil is better, and the carpet-bagger will have a better show

The pleasant note uv the revolver, and the

The shivelry will hev to labor for his bred, or fill his stumick with clay. Ther will be no more draw-poker, nor pointoker-quarter-racin will be not, for wher is the stamps comin from ef we are deprived us Kin we raise another rebelyun? Not acy.

For the South hez hed its belly-full uv fightin We wood figt, but the Northern Dimocrisy darent, and the Southern Dimocrisy don't want solvin and howlin won't give us the post-offises

and wat is a Government without them ? Bascom's will be deserted, and the grass will grow on the paths leadin thereto.

For without the offices, out uv wich to gather sheckles, how are we to pay for that wich com-

fort us? Bascom will look at his books, and the teers of woe will stream down his cheeks.

For he will say Nusby oweth me this, and Pogram that, and Isaker, hevin a stronger constitution, more than both. Lo, these yeers hey I furnisht em with sus-

And ther is no hope uv bildin up another trade, for the nigger postmaster don't drink, and the nigger farmers waste their money on goods at Pollock's, He will foreclose on the Deekin, and Issaker will be sell out, and they will perish from the

face uv the earth.

nothing to levy onto hallelojy.

And all this woe becon we didn't kill enuff niggers! Our walls is torn down, and our strong of the cotl. After that performance was over

pollytics and shel go into philanthropy
I wood go onto the highway, but there ain't
money enuff in the Corners to buy me a revol-My mishen, henceforth, will be to collect Now the Plantiff can only have the right to funds among Northern Democrats to establish enforce the personal services of the Defendant by a hospital for decayed Kentuckians which expected posishens under Tilden. I shel appeal for a mill yun, and of ther is any bowels into them they will respond liberelly. I shel pre-sent myself as a sample, and of my wo-begone face don't fetch em they must hev hearts uv

Trocadero, which is to be the main building of Now it is clear that Wilemann had conveyed the absolute interest in the Estate, and had nothing more to convey: he would have to pay he share of its lesses, and he would enjoy no share of its lesses, and he would enjoy no share of its profits. The clear averment is that he would have three quarters of one per cent of its gross proceeds, not of its net proceeds as part payment of the price of which he sold thus avering a sale of the whole palace will be flanked by two extensive lateral galleries for the horticultural and agricultural exhibitions. At the sides will be two lighthouses, each 250 high, the lanterns of which an owner of this plantation in which title this action is brought. Mosers Spreekles and Makes are the Paris. These towers will be used for experisole owners of that plantation and they are not the ments with the electric light, and the various international methods of lighting. The slopes of the Trocadero will be decorated with gardens belonging to different nations, and with a cascade, which is thus described by M. P. Buty in the London Academy; "It will spring from the very base of the palace, from the pedestal of a group of large decorative figures in stone and bronze. A grotto nestles behind the curve described by this cascade, which will have a fall of nine metres. Through this sheet of crystal the spectator will see con-fusedly the whold extent of the Universal Exhibition, with its buildings and its gardens stretching away over Champ de Mars, as far as the Ecole Militaire, then, beyond in all directions, the great basis of Paris, drained and intersected by the Seine, and bordered on

the horizon by picturesque hills." SUGAR MACHINERY!

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D. W. PAUAHL.

We do the wickednis and are swindled out A Deliberate Plot to Exterminate the Smith Family.

The "Smith Rolling and Creshing Machine" which is to be exhibited at the Philadelphia Exhibition, is obviously intended for diminishing the number of Smiths. It is understood We spent a million of shekels on Noo York, that it consists of a series of heavy rollers re-and got a majority uv 30,000, when 5,000 wood hev dene ez well. of novel pattern and enormous power, the whole being set in motion by a twelve-horse power engine. Its method of operation is at once simple and effective. The operator takes a Smith of any size, and adjusting the gearing of the rollers to the exact width to which it is desired to roll the Smith, gently inserts his head between the rollers. The machine is then set in motion, and in the brief space of fifty-eight seconds the Smith is rolled to any desired degree of thinness. If a Smith is to be crushed, he is placed in a hopper com-municating with the grindstone, and after a finutes, according to the size and toughness of the Smith, he is reduced to a fine and evenground powder, in which such foreign sub stances as buttons or shirt studs can be de tests. The inventor, so it is said, claims tha by a very simple mechanical attachment the and Schmidts with equal efficiency, and he is confident that the general principle lying his invention can be applied to Brown crushing or Robinson-rolling machines. But why employ costly machinery to roll and crush Smiths, when they could be retired with equal efficiency in a dozen different and less expensive ways? The inventor has as yet made no suggestion as to the possible uses to which a rolled Smith might be put; neither has he proposed any plan for the utilization of crushed Smiths. On the other hand, it is perfectly evident that one result of his process rould be the financial ruin of coffinwho, as is well known, regard the Smiths as their most valuable clients. The more closely the invention is studied, the more plainly it is seen that it meets no real want, and that it proposes to do, in an elaborate and costly way, what might be done more simply and cheaply -N. Y. Times. Riding a Wild Horse.

Says the Press, of Sauta Barbara : On Christmas day an exciting exhibition of wild-borse riding was given in the vacant lot opposite the Arlington. An unbroken horse be-longing to J. S. Bell of the Los Alamos rancho, had been selected for the occasion, on account of his thoroughly artistic bucking and other vicious propensities. Shortly after 2 o'clock the animal, a compactly-built bay, was led into the field and there blindfolded and saddled. The bandage was then lifted from his eyes, and he commeaced to lash out and jump around with a ven-geauce. The bandage was again pulled over his eyes, and a vaquero named Valentine Romeiter mounted, amid preathless expectation from the immense crowd of spectators who had assembled to see the sport. As long as the animal was blindfolded he was perfectly quiet, but as soon as his rider raised the bandage he commenced to buck, and the crowd held their breath. The rider kept a magnificent seat in spite of the ani mai's endeavors to throw him. The horse jumped like all possessed—sideway, endway, longways, and topways, arching his beck as if he were made of rubber, and jumping as much as four feet up in the air and coming down on all fours as solid tenance, and now when my baris is empty, that last chance of gettin em filled is gone forever. rider were futile. It would be safe to bet that that man never suffers from indigestion. But i has to be seen to understand it. After the ca to lasso him, but he broke away, jumped the fence, carrying part of it away with him, and made for the hills, with a crowd of vaqueros, armed with fariats, at his beels. After an ex-And he wood levy unto me, only I ain't got | citing chase he was brought back captive and again turned loose, and some splendid speci mens of lassoing were done by of the most skilful of the many skillful throwers blaces are made desolate.

Ex for me, my mind is made up. I shel quit ground for the vaqueros to pick up, riding at follytics and shel go into philanthropy
I wood go onto the highway, but there ain't money enuff in the Corners to buy me a revolution made some of our visitoria and those that did made quite a nice little money enuff in the Corners to buy me a revolution made some of our visitoria made desolate. tors who had never seen such a performan open their eyes in surprise and many were the shouts of applause that rose on the air as some of the most difficult feats were performed.

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